

APPROVED  
6-2007

Rockville, Maryland  
February 13, 2007

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, February 13, 2007, at 10:00 a.m.

Present:                   Mrs. Nancy Navarro, President  
                                  in the Chair  
                                  Mr. Steve Abrams  
                                  Mr. Christopher Barclay  
                                  Ms. Shirley Brandman  
                                  Ms. Sharon Cox  
                                  Dr. Judy Docca  
                                  Ms. Sarah Horvitz  
                                  Mrs. Patricia O'Neill  
                                  Dr. Jerry Weast, Secretary/Treasurer

Absent:                   None

# or ( ) indicates student vote does not count. Four votes needed for adoption.

RESOLUTION NO. 38-07            Re:    **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Ms. Brandman, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article* of the *Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct closed sessions from 9:00 to 10:00 a.m. and 1:00 to 2:00 p.m. to discuss the Human Resources Monthly Report and Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on February 13, 2007, to acquit its administrative functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

Resolved, That this portion of the meeting continue in closed session until the completion

of business.

Re: **PLEDGE OF ALLEGIANCE**

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Re: **AN AMENDMENT TO THE AGENDA**

On motion of Ms. Cox and seconded by Mr. Abrams, the following amendment was placed on the table:

Resolved, That the Board of Education amend the agenda to move Item 8.0 (FY 2008 Operating Budget Amendments and Adoption) to after Item 2.2 and consider Items 2.3, 2.4 and 2.5 to be viewed in context of the budget.

RESOLUTION NO. 39-07                      Re: **AN AMENDMENT TO THE AGENDA**

On motion of Mrs. O'Neill and seconded by Mr. Barclay, the following amendment was adopted with Mr. Barclay, Ms. Brandman, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams and Ms. Cox voting in the negative:

Resolved, That the Board of Education amend the agenda to move Item 8.0 (FY 2008 Operating Budget Amendments and Adoption) and Item 2.6 (Items of Legislation) until after Board/Superintendent Comments.

RESOLUTION NO. 40-07                      Re: **APPROVAL OF THE AGENDA**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for February 13, 2007, as amended.

RESOLUTION NO. 41-07                      Re: **RECOMMENDATION TO REAPPOINT THE SUPERINTENDENT OF SCHOOLS**

On motion of Mrs. O'Neill and seconded by Mr. Abrams, the following resolution was adopted unanimously:

WHEREAS, Dr. Jerry D. Weast's current term as superintendent of schools ends on June 30, 2007; and

WHEREAS, Dr. Weast has made it known to the Board of Education his desire to be reappointed to a new four-year term as superintendent of schools; and

WHEREAS, The Board of Education desires to reappoint Dr. Weast to a new four-year term; and

WHEREAS, Pursuant to Section 4-201 ©) of the Education Article of the Annotated Code of Maryland, the state superintendent of schools must approve such appointment in writing; now therefore be it

Resolved, That the Board of Education hereby reappoint Dr. Jerry D. Weast as superintendent of schools of Montgomery County for a term of four years, commencing July 1, 2007, and ending June 30, 2011; and be it further

Resolved, That the President of the Board of Education forthwith seek the written approval of Dr. Nancy Grasmick to this appointment; and be it further

Resolved, That the Board of Education approve the new contract on the same terms and conditions as the existing Agreement with the Superintendent, except as modified by the Fifth Amendment, which is hereby adopted.

**FIFTH AMENDMENT TO THE 1999  
CONTRACT OF EMPLOYMENT BETWEEN  
THE MONTGOMERY COUNTY BOARD OF EDUCATION  
AND  
DR. JERRY D. WEAST**

It is on this 13<sup>th</sup> day of February 2007, agreed by and between the Board of Education of Montgomery County, Maryland (hereinafter referred to as the "Board") and Dr. Jerry D. Weast (hereinafter referred to as the "Superintendent"), that the Agreement between the Montgomery County Board of Education and Dr. Jerry D. Weast, entered into in 1999, as amended on February 11, 2003; January 13, 2004; July 9, 2004; and July 6, 2005, be extended for an additional four- (4) year term, effective July 1, 2007, and ending June 30, 2011.

On June 14, 2006, the Board of Education clarified that it was the intent of the Board that the annuity included in Dr. Weast's employment contract, approved by the Board of Education in 1999, would maintain its value through a cost-of-living feature. As a result, the annuity will be adjusted annually to incorporate a cost-of-living component that will be equal to the lesser of the change in the Consumer Price Index or three percent.

In all other respects the terms and conditions of the Superintendent’s contract as previously amended are renewed, republished, and reaffirmed.

This Fifth Amendment has been approved by the Board, in accordance with its duly adopted resolution, and accepted by the parties as evidenced by the signature of the President of the Board and the Superintendent.

\_\_\_\_\_  
Nancy Navarro  
President  
Board of Education

\_\_\_\_\_  
Jerry D. Weast  
Superintendent of Schools  
Montgomery County Public Schools

**Re: MOTION TO TABLE**

On motion of Mr. Abrams and seconded by Ms. Cox, the following resolution failed with Mr. Abrams and Ms. Cox voting in the affirmative; Mr. Barclay, Ms. Brandman, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O’Neill voting in the negative:

Resolved, That the Board of Education table action on Items 2.3, 2.4, and 2.5 (Ratification of Contracts).

**Re: MOTION TO POSTPONE**

On motion of Mr. Abrams and seconded by Ms. Cox, the following resolution failed with Mr. Abrams voting in the affirmative; Mr. Barclay, Ms. Brandman, Ms. Cox, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O’Neill voting in the negative:

Resolved, That the Board of Education postpone the vote on Items 2.3, 2.4, and 2.5 (Ratification of Contracts) until after the County Government has enacted the FY 2008 budget.

RESOLUTION NO. 42-07

**Re: RATIFICATION OF NEGOTIATED AGREEMENT  
BETWEEN SEIU LOCAL 500 AND THE  
MONTGOMERY COUNTY PUBLIC SCHOOLS**

On recommendation of the superintendent and on motion of Ms. Cox seconded by Mrs. O’Neill, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Ms. Cox, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O’Neill voting in the affirmative; Mr. Abrams voting in the negative:

WHEREAS, Section 6-510 of the Education Article, *Annotated Code of Maryland*, requires the Board of Education to enter into negotiations with designated employee organizations concerning “salaries, wages, hours, and other working conditions”; and

WHEREAS, The Service Employees International Union Local 500 (SEIU Local 500) was properly designated as the employee organization to be the exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated Agreement for the 2005–2007 school years, and said Agreement expires June 30, 2007; and

WHEREAS, Said negotiations have occurred in good faith, as directed by law; and

WHEREAS, The parties have reached tentative agreement on a successor Agreement for three years, through FY 2010; and

WHEREAS, The tentative Agreement has been duly ratified by the membership of SEIU Local 500; now therefore be it

Resolved, That the Board of Education approve the amended Agreement for the period of July 1, 2007, through June 30, 2010; and be it further

Resolved, That the secretary and the president of the Board of Education be authorized to sign the amended Agreement, all according to said Agreement and to the law.

Re: **RATIFICATION OF NEGOTIATED AGREEMENT  
BETWEEN MONTGOMERY COUNTY EDUCATION  
ASSOCIATION AND THE MONTGOMERY COUNTY  
PUBLIC SCHOOLS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was placed on the table:

WHEREAS, Section 6-408 of the Education Article, *Annotated Code of Maryland*, requires the Board of Education to enter into negotiations with designated employee organizations concerning “salaries, wages, hours, and other working conditions”; and

WHEREAS, The Montgomery County Education Association (MCEA) was properly designated as the employee organization to be the exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated Agreement for the 2005–2007 school years, which expires June 30, 2007; and

WHEREAS, Said negotiations have occurred in good faith, as directed by law; and

WHEREAS, The parties have reached tentative agreement on a successor Agreement for

three years, through FY 2010; and

WHEREAS, The tentative Agreement to amend has been duly ratified by the membership of MCEA; now therefore be it

Resolved, That the Board of Education approve the amended Agreement for the period of July 1, 2007, through June 30, 2010; and be it further

Resolved, That the secretary and the president of the Board of Education be authorized to sign the amended Agreement, all according to said Agreement and to the law.

Re: **AN AMENDMENT TO THE RATIFICATION OF  
NEGOTIATED AGREEMENT BETWEEN  
MONTGOMERY COUNTY EDUCATION  
ASSOCIATION AND THE MONTGOMERY COUNTY  
PUBLIC SCHOOLS**

On motion of Ms. Cox and seconded by Mr. Abrams; the following resolution failed with Ms. Cox voting in the affirmative; Mr. Abrams, Mr. Barclay, Ms. Brandman, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O'Neill voting in the negative:

Resolved, That the Board of Education amend the contract to provide for training and extra days with a delayed start date of the increase until September.

RESOLUTION NO. 43-07

Re: **RATIFICATION OF NEGOTIATED AGREEMENT  
BETWEEN MONTGOMERY COUNTY EDUCATION  
ASSOCIATION AND THE MONTGOMERY COUNTY  
PUBLIC SCHOOLS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O'Neill voting in the affirmation; Mr. Abrams and Ms. Cox voting in the negative:

WHEREAS, Section 6-408 of the Education Article, *Annotated Code of Maryland*, requires the Board of Education to enter into negotiations with designated employee organizations concerning "salaries, wages, hours, and other working conditions"; and

WHEREAS, The Montgomery County Education Association (MCEA) was properly designated as the employee organization to be the exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated Agreement for the 2005–2007 school years,

which expires June 30, 2007; and

WHEREAS, Said negotiations have occurred in good faith, as directed by law; and

WHEREAS, The parties have reached tentative agreement on a successor Agreement for three years, through FY 2010; and

WHEREAS, The tentative Agreement to amend has been duly ratified by the membership of MCEA; now therefore be it

Resolved, That the Board of Education approve the amended Agreement for the period of July 1, 2007, through June 30, 2010; and be it further

Resolved, That the secretary and the president of the Board of Education be authorized to sign the amended Agreement, all according to said Agreement and to the law.

RESOLUTION NO. 44-07

Re: **RATIFICATION OF NEGOTIATED AGREEMENT  
BETWEEN MONTGOMERY COUNTY  
ASSOCIATION OF ADMINISTRATIVE AND  
SUPERVISORY PERSONNEL AND THE  
MONTGOMERY COUNTY PUBLIC SCHOOLS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Ms. Cox, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams voting in the negative:

WHEREAS, Section 6-408 of the Education Article, *Annotated Code of Maryland*, requires the Board of Education to enter into negotiations with designated employee organizations concerning "salaries, wages, hours, and other working conditions"; and

WHEREAS, The Montgomery County Association of Administrative and Supervisory Personnel (MCAASP) was properly designated as the employee organization to be the exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated Agreement for the 2006–2009 school years, and said Agreement provides that negotiations be reopened for FY 2008; and

WHEREAS, Said negotiations have occurred in good faith, as directed by law; and

WHEREAS, The parties have reached tentative agreement on modification of the Agreement to include extension of the Agreement by one year and agreement on the total contract for three years, through FY 2010; and

WHEREAS, The tentative Agreement to amend has been duly ratified by the membership of MCAASP; now therefore be it

Resolved, That the Board of Education approve the amended Agreement for the period of July 1, 2007, through June 30, 2010; and be it further

Resolved, That the secretary and the president of the Board of Education be authorized to sign the amended Agreement, all according to said Agreement and to the law.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Sharon St. Pierre	Parent Outreach Coordinators
2. Selene Almazan	Special Ed. Realignment
3. Tom Jones	Learning Center-Closing
4. Sandra Haldane	Secondary Learning Center
5. Caroline Grandy	Special Education Realignment
6. Andrea Abrams	Secondary Learning Center-closing
7. Duncan MacKeever	Bells Mills ES modernization
8. Hideko Takahashi	Bells Mills ES Modernization
9. Ryan Tinsley	Nike /Team Express/Athletic Issues
10. Rudy Dockery	Autism Programs
11. Mary Nowotny	Graduation Venues
12. Mike Butler	Boys Scouts of America
13. Bonnie Malkin	Grading

Mrs. Navarro requested information on how Learning Centers are populated through the IEP process.

Mrs. O'Neill and Mr. Barclay inquired about testing students on material that has not been covered during classroom instruction. What is the practice, and how is this communicated?

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented on the Play and Learning Kit for young children, and staff distributed a bag to each member. He reported on the success of MCPS students on Advanced Placement test results.

Ms. Horvitz stated that there were three candidates for the position of student Board member. Also, she attended the Middle School Junior Student Council, and members were



discussing bills before the General Assembly.

Dr. Docca commented that she visited Montgomery Blair High School when the Intel checks were distributed to the students. Also, she visited the academies at Gaithersburg High School. She visited the house that the students build on Connecticut Avenue. Further, she commented on the new era for the Board and employees and the culture of respect signed by the unions and the Board. It is important to remember the compact for continuous improvement as everyone works together.

Mr. Barclay stated that he attended the Open House at Thomas Edison, and he was impressed with the tremendous programs. Also, he attended the Montgomery County Association of Black Educators meeting, and he applauds the association members for their work with teachers and students.

Mr. Abrams commented on the incorrect statements made in the media about the Health Education Curriculum. There has not been a correction, which is a sad commentary. He thought it was important to speak publicly about the fact that students have to opt-in the courses, and there are alternatives for graduation credit.

Mr. Abrams stated that, regarding his legal status, there will be no prosecution for assault by either party, since this had no merit. He thanked the school system for its due diligence during this time. The charges were baseless, and the person who brought charges against him had a history of other attempts to bring charges.

Mrs. O'Neill reported that she was in Annapolis for a briefing on High School Assessments (HSA). Montgomery County circulated a white paper, and the state superintendent has responded to some of those concerns. There are a lot of issues before the linkage between the HSA and diplomas occurs.

**Re: FY 2008 OPERATING BUDGET AMENDMENTS  
AND ADOPTION**

On recommendation of the superintendent and on motion of Ms. Cox seconded by Ms. Brandman, the following resolution was placed on the table:

WHEREAS, The superintendent of schools presented the Recommended FY 2008 Operating Budget of \$1,983,703,395 to the Board of Education on December 13, 2006; and

WHEREAS, Increases in ESOL enrollment projections require the addition of \$1,700,984, including 27.3 teacher positions at a cost of \$1,657,891, including employee benefits, \$18,959 for textbooks, and \$24,134 for instructional materials; and

WHEREAS, Changes in special education services involving secondary learning centers,

staff development, and the extended school year program require the addition of a total of 31.5 full time equivalent (FTE) positions and a total cost of \$1,988,255, including \$217,980 for professional development and \$178,226 for student transportation services; and

WHEREAS, Support of the research component of the Kennedy Cluster Project to improve the achievement of African American students requires the addition of \$150,000 in Category 1, Administration; and

WHEREAS, The increased cost of high school graduation ceremonies requires the addition of \$196,350 in contractual services; and

WHEREAS, Expanding activity bus services for the extended day program at Poolesville High School and for the High School Plus program requires the addition of \$200,000 in student transportation services and related employee benefits; now therefore be it

Resolved, That the Board of Education approve an amendment to the Superintendent's Recommended FY 2008 Operating Budget to increase ESOL services because of higher enrollment projections by a total of \$1,700,984; and be it further

Resolved, That the Board of Education approve an amendment to the Superintendent's Recommended FY 2008 Operating Budget to increase special education and staff development services, including transportation, by a total of \$1,988,255; and be it further

Resolved, That the Board of Education approve the FY 2008 Special Education Staffing Plan as outlined in the Superintendent's Recommended FY 2008 Operating Budget and amended to reflect the increased services recommended above; and be it further

Resolved, That upon final approval of the operating budget in June 2007, the Special Education Staffing Plan will be submitted to the Maryland State Department of Education; and be it further

Resolved, That the Board of Education approve an amendment of \$150,000 to the Superintendent's Recommended FY 2008 Operating Budget to support the research component of the Kennedy Cluster Project to improve the achievement of African American students; and be it further

Resolved, That the Board of Education approve an amendment of \$196,350 to the Superintendent's Recommended FY 2008 Operating Budget to help defray the costs of high school graduation ceremonies; and be it further

Resolved, That the Board of Education approve an amendment to the Superintendent's Recommended FY 2008 Operating Budget to expand activity bus services for Poolesville High School's extended day program and for the High School Plus program at a cost of

\$200,000; and be it further

Resolved, That the Board of Education adopt the Superintendent's Recommended FY 2008 Operating Budget as amended totaling \$1,987,938,984, as follows:

Category	Superintendent's Recommended Operating Budget	Amendments	Amended Recommended Budget
1 Administration	\$ 43,056,209	\$ 150,000	\$ 43,206,209
2 Mid-level Administration	129,481,361		129,481,361
3 Instructional Salaries	809,771,939	1,532,622	811,304,561
4 Textbooks/Instructional Supplies	34,847,169	43,093	34,890,262
5 Other Instructional Costs	19,534,581	196,350	19,730,931
6 Special Education	242,176,827	1,233,060	243,409,887
7 Student Personnel Services	11,182,645		11,182,645
8 Health Services	46,138		46,138
9 Student Transportation	84,071,061	352,333	84,423,394
10 Operation of Plant and Equipment	112,682,521		112,682,521
11 Maintenance of Plant	33,040,430		33,040,430
12 Fixed Charges	409,349,119	728,131	410,077,250
14 Community Services	208,495		208,495
37 Instructional Television Fund	1,470,681		1,470,681
51 Real Estate Fund	2,317,953		2,317,953
61 Food Services Fund	46,717,154		46,717,154
71 Field Trip Fund	2,079,338		2,079,338
81 Entrepreneurial Activities Fund	1,669,774		1,669,774
Total	<u>\$1,983,703,395</u>	<u>\$4,235,589</u>	<u>\$1,987,938,984</u>

Re: **DISCUSSION**

Ms. Navarro stated that she would not make an amendment but she wanted to make a request. For two years, her main area of interest has been the parent and community coordinators. The Board has shared a lot of the interest in terms of parent and community outreach. Certainly, there is also interest in how MCPS uses pupil personnel workers in light of the ever-increasing demands on some of these positions. During the hearings, staff indicated that MCPS has 100 FTE positions working on these issues. She believed the Board needed to have a clearer understanding as to where those positions are. What are they doing? What are the outcome measures for these positions? The Board has heard

that there is a need for realignment by responsibility, not by department. What are the responsibilities? What is MCPS looking for when it talks about parent outreach?

The superintendent will bring to the Board an updated review of the following:

1. Structure outcomes and resources available to parent and community outreach, including recommendations for additional staffing and/or realignments as deemed necessary to effectively serve the community (students, parents, community partners).
2. Structure outcomes and resources from pupil personnel workers, including recommendations for additional staffing as deemed necessary to effectively serve the student population.
3. Update on the plan to effectively achieve the desired guidance counselor-to-student ratio.

This presentation should be scheduled no later than July 30, 2007, to ensure that actions with the budgetary impact are taken before the development of FY2009 operating budget request.

RESOLUTION NO. 45-07

Re: **AN AMENDMENT TO THE FY 2008 OPERATING BUDGET**

On motion of Mrs. O'Neill and seconded by Ms. Horvitz, the following resolution was adopted unanimously:#

Resolved, That the Board of Education amend the budget in the K-12, Chapter 1, to provide junior varsity lacrosse by using an offsetting cost with high school parking fees raised from \$50 to \$75 a year and an increase in the extracurricular activity fee for high and middle school students from \$20 to \$30.

Re: **DISCUSSION**

Ms. Cox thought funds for staff development should be increased to make sure individuals are trained for new initiatives, such as universal design for learning. There should be a line item for staff development for each initiative. In the next budget development, staff should come back to the Board with an analysis of the efficacy of that approach.

Mr. Abrams asked about inclusion versus special programs, and the bias in the Individualized Educational Program (IEP) process which leads to disproportionality of students. He asked if there was connection between the IEP and exclusive placement. Staff responded that a committee is studying disproportionality and placement. The IEP will be implemented no matter the placement. Furthermore, having the Learning Center students move back to their home schools does not necessarily mean inclusion. Ms. Brandman stated that intent of the revised plan is a continuum of education at the home

school.

Regarding the Learning Centers, Ms. Cox asked for a report to the Board in September with any recommendations for amendments to the plan, progress to date, lessons learned, and if there should be an acceleration or slowing of the effort to serve students in the Least Restricted Environment. Mr. Barclay concurred and suggested that there should be regularly scheduled status reports. Ms. Brandman said it was essential that the Board monitor the process, and there must be an action plan to determine effectiveness. Ms. Brandman thought June would be a good starting point to ascertain whether there are sufficient resources based on the IEPs of students in the receiving schools.

Ms. Brandman encouraged staff to reevaluate the budgetary needs in the Department of Shared Accountability. In next year's budget there should be an analysis of the demands placed on this department.

Ms. Cox asked about staff development teachers and wanted to know the specifics of the training.

Mrs. O'Neill requested information on the role and training of paraeducators when students are moved from the Learning Centers to their home schools.

Re: **AN AMENDMENT TO THE FY 2008 OPERATING BUDGET**

On motion of Ms. Navarro and seconded by Mrs. O'Neill, the following was placed on the table:

Resolved, That the Board of Education amend the budget to add one FTE (\$106,097) as a fiscal assistant in the Board Office to provide programmatic and fiscal analysis to the Board as needed and provide staff support to Board committees in the areas of program and fiscal analysis.

RESOLUTION NO. 46-07                      Re: **AN AMENDMENT**

On motion of Mrs. O'Neill and seconded by Ms. Navarro, the following amendment was adopted with Mr. Barclay, Ms. Brandman, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams and Ms. Cox voting in the negative:#

Resolved, That the Board of Education reduce the amount in "contractual fees" from \$70,000 to \$35,000, with \$35,000 applied to this position.

RESOLUTION NO. 47-07                      Re: **AN AMENDMENT TO THE FY 2008 OPERATING BUDGET**

On motion of Ms. Navarro and seconded by Mrs. O'Neill, the following amendment was adopted with Mr. Barclay, Ms. Brandman, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams and Ms. Cox voting in the negative:#

Resolved, That the Board of Education amend the budget to add one FTE (\$106,097) as a fiscal assistant in the Board Office to provide programmatic and fiscal analysis to the Board as needed and provide staff support to Board committees in the areas of program and fiscal analysis; and be it further

Resolved, That the Board of Education reduce the amount in "contractual fees" from \$70,000 to \$35,000, with \$35,000 applied to this position.

RESOLUTION NO. 48-08                      Re:     **FY 2008 OPERATING BUDGET AMENDMENTS  
AND ADOPTION**

On recommendation of the superintendent and on motion of Ms. Cox seconded by Ms. Brandman, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Ms. Cox, Dr. Docca, Ms. Horvitz, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams voting in the negative:#

WHEREAS, The superintendent of schools presented the Recommended FY 2008 Operating Budget of \$1,983,703,395 to the Board of Education on December 13, 2006; and

WHEREAS, Increases in ESOL enrollment projections require the addition of \$1,700,984, including 27.3 teacher positions at a cost of \$1,657,891, including employee benefits, \$18,959 for textbooks, and \$24,134 for instructional materials; and

WHEREAS, Changes in special education services involving secondary learning centers, staff development, and the extended school year program require the addition of a total of 31.5 full time equivalent (FTE) positions and a total cost of \$1,988,255, including \$217,980 for professional development and \$178,226 for student transportation services; and

WHEREAS, Support of the research component of the Kennedy Cluster Project to improve the achievement of African American students requires the addition of \$150,000 in Category 1, Administration; and

WHEREAS, The increased cost of high school graduation ceremonies requires the addition of \$196,350 in contractual services; and

WHEREAS, Expanding activity bus services for the extended day program at Poolesville High School and for the High School Plus program requires the addition of \$200,000 in student transportation services and related employee benefits; now therefore be it

Resolved, That the Board of Education approve an amendment to the Superintendent's Recommended FY 2008 Operating Budget to increase ESOL services because of higher enrollment projections by a total of \$1,700,984; and be it further

Resolved, That the Board of Education approve an amendment to the Superintendent's Recommended FY 2008 Operating Budget to increase special education and staff development services, including transportation, by a total of \$1,988,255; and be it further

Resolved, That the Board of Education approve the FY 2008 Special Education Staffing Plan as outlined in the Superintendent's Recommended FY 2008 Operating Budget and amended to reflect the increased services recommended above; and be it further

Resolved, That upon final approval of the operating budget in June 2007, the Special Education Staffing Plan will be submitted to the Maryland State Department of Education; and be it further

Resolved, That the Board of Education approve an amendment of \$150,000 to the Superintendent's Recommended FY 2008 Operating Budget to support the research component of the Kennedy Cluster Project to improve the achievement of African American students; and be it further

Resolved, That the Board of Education approve an amendment of \$196,350 to the Superintendent's Recommended FY 2008 Operating Budget to help defray the costs of high school graduation ceremonies; and be it further

Resolved, That the Board of Education approve an amendment to the Superintendent's Recommended FY 2008 Operating Budget to expand activity bus services for Poolesville High School's extended day program and for the High School Plus program at a cost of \$200,000; and be it further

Resolved, That the Board of Education amend the budget in the K-12, Chapter 1, to provide junior varsity lacrosse by using an offsetting cost with high school parking fees raised from \$50 to \$75 a year and an increase in the extracurricular activity fee for high and middle school students from \$20 to \$30; and be it further.

Resolved, That the Board of Education amend the budget to add one FTE (\$106,097) as a fiscal assistant in the Board Office to provide programmatic and fiscal analysis to the Board as needed and provide staff support to Board committees in the areas of program and fiscal analysis; and that the Board of Education reduce the amount in "contractual fees" from \$70,000 to \$35,000, with \$35,000 applied to this position; and be it further.

Resolved, That the Board of Education adopt the Superintendent's Recommended FY 2008

Operating Budget as amended totaling \$1,987,938,984, as follows:

Category	Superintendent's Recommended Operating Budget	Amendments	Amended Recommended Budget
1 Administration	\$ 43,056,209	\$ 185,000	\$ 43,241,209
2 Mid-level Administration	129,481,361		129,481,361
3 Instructional Salaries	809,771,939	1,532,622	811,304,561
4 Textbooks/Instructional Supplies	34,847,169	43,093	34,890,262
5 Other Instructional Costs	19,534,581	196,350	19,730,931
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61 Food Services Fund	46,717,154		46,717,154
71 Field Trip Fund	2,079,338		2,079,338
81 Entrepreneurial Activities Fund	1,669,774		1,669,774
Total	<u>\$1,983,703,395</u>	<u>\$4,235,589</u>	<u>\$1,987,973,984</u>

RESOLUTION NO. 49-07

Re: **APPOINTMENTS**

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. O'Neill, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective February 14, 2007:

Appointment  
James Virga, Jr.

Current Position  
Director, School Improvement  
Initiatives

As  
Associate Superintendent,  
Organizational Development



RESOLUTION NO. 50-07            Re:    **HUMAN RESOURCES MONTHLY REPORT**

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. O'Neill, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve the Human Resources Monthly Report dated February 13, 2007.

RESOLUTION NO. 51-07            Re:    **DEATH OF LINDA D. LOHMEIER,  
PARAEDUCATOR AND LUNCH HOUR AIDE,  
WESTOVER ELEMENTARY SCHOOL**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:

WHEREAS, The death on December 24, 2006, of Mrs. Linda D. Lohmeier, paraeducator and lunch hour aide at Westover Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 16 years that Mrs. Lohmeier worked for Montgomery County Public Schools, she was dependable and extremely dedicated to helping the students and staff; and

WHEREAS, She planned ahead for each deadline and served as a role model for other staff members; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Linda D. Lohmeier and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mrs. Lohmeier's family.

RESOLUTION NO. 52-07            Re:    **DEATH OF FRANK L. MACRI, BUILDING SERVICE  
WORKER, WALTER JOHNSON HIGH SCHOOL**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:

WHEREAS, The death on January 6, 2007, of Mr. Frank L. Macri, building service worker at Walter Johnson High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mr. Macri has been a loyal employee of Montgomery County Public Schools

for more than 24 years and always displayed pride in his work; and

WHEREAS, Mr. Macri's dedication to duty was recognized by staff and associates and made him an asset to the school; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Frank L. Macri and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Macri's family.

RESOLUTION NO. 53-07                      Re:    **DEATH OF LOIS J. NORRIS, TRANSPORTATION  
TIME ATTENDANCE ASSISTANT, DEPARTMENT  
OF TRANSPORTATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted unanimously:

WHEREAS, The death on January 4, 2007, of Miss Lois J. Norris, transportation time attendance assistant in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 26 years that Miss Norris worked for Montgomery County Public Schools, she was dependable and maintained a high quality of work while assisting employees with their questions concerning their pay; and

WHEREAS, She was well respected by her colleagues and was an asset to the community; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Lois J. Norris and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Miss Norris' family.

RESOLUTION NO. 54-07                      Re:    **DEATH OF DAVID G. PERRY, BUS OPERATOR I,  
DEPARTMENT OF TRANSPORTATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, the following resolution was adopted unanimously:

WHEREAS, The death on January 20, 2007, of Mr. David G. Perry, bus operator I at the Clarksburg Depot in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 19 years that Mr. Perry worked for Montgomery County Public Schools, he was punctual, dependable, and could be relied upon to meet schedules and deadlines; and

WHEREAS, Mr. Perry was friendly and worked well with other employees, making him an asset to the department; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of David G. Perry and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Perry's family.

\*\*Mr. Abrams left the meeting.

RESOLUTION NO. 55-07            Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Ms. Cox, Dr. Docca, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Ms. Horvitz and Mr. Abrams were not at the table:

Resolved, That the Board of Education support **SB 57–Education–Teachers–State and Local Aid Program for Certification by the National Board for Professional Teaching Standards**, which would raise the number of scholarships available statewide to educators from 750 to 1000; provide funding for 10-year certification renewal for current National Board-certified individuals; and pay the expense of one retake for candidates who do not achieve certification in the first or second year.

RESOLUTION NO. 56-07            Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education support with amendments **SB 9–Student Surveys–Youth Risk Behavior Surveillance System Survey**, which would eliminate the state requirement for the Maryland Adolescent Survey and the Youth Tobacco Survey and

incorporate much of the content of these surveys into the Youth Risk Behavior Survey (YRBS). This legislation also would eliminate the requirement for active parental consent for YRBS, which creates a sample selection bias and nullifies results.

RESOLUTION NO. 57-07                    Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education oppose **SB 242–Education–Multiple Student Suspensions–Services and Actions Required**, which would require a principal to form a school-based pupil services team that would be charged with working with students who are suspended more than 10 school days cumulatively and the students' parents/guardians in the development of an individualized plan to prevent further suspensions. Principals also would be charged with reporting the names of any students with more than 10 days of suspension to the superintendent of schools.

RESOLUTION NO. 58-07                    Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education support **SB 301–Education–New School Construction–Price Preference for High-Performance Buildings**, which would provide incentives in the form of higher state fund reimbursement rates for constructing school facilities with high-performance features similar to the Leadership in Energy and Environmental Design (LEED) criteria established by the U.S. Green Buildings Council. These incentives would be established as price preferences, up to 10 percent, over the standard square-foot reimbursement rates for state funds allocated to school construction.

RESOLUTION NO. 59-07                    Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education support **HB 6–Higher Education–Tuition Charges–Maryland High School Students**, which aims to secure the "resident" tuition rate for students entering a public institution of higher education who have attended a secondary school in the state for at least two years and have graduated from a Maryland secondary school.

RESOLUTION NO. 60-07                    Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education oppose **HB 155–Education–Prekindergarten Programs–Alternative Providers**, which would require county boards of education to identify the strategies they will use to meet the Bridge-to-Excellence requirements to provide prekindergarten programs to all eligible children. County boards of education would be required to identify in the master plan their ability and capacity to provide prekindergarten programs. A description of the process to contract with alternative early learning and child-care providers to provide additional capacity would be required. Local school systems would have to conduct a survey to determine the capacity available from alternative providers.

RESOLUTION NO. 61-07                      Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Horvitz, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education oppose **SB 241–Education–Alcohol and Drug Testing for Pupils in Public or Private Schools**, which would require specified public, private, or parochial school officials to implement a policy of alcohol and drug testing, under specified conditions, for high school pupils. The testing is permitted only on the basis of a reasonable suspicion of unlawful use. School officials are required to provide notice to specified persons of the alcohol- and drug-testing policy, to maintain specified test results as confidential medical records, and to grant access to the records only to specified persons.

RESOLUTION NO. 62-07                      Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Horvitz, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education oppose **HB 317–Student Health and Fitness Act of 2007**, which would require that public school students in kindergarten through Grade 5 be provided a specified increasing minimum level of a program of physical education over a period of four school years: beginning in the 2008–09 school year, a minimum of 60 minutes a week of physical education; beginning in the 2009–10 school year, a minimum of 90 minutes a week of physical education; beginning in the 2010–11 school year, a minimum of 120 minutes a week of physical education; and beginning in the 2011–12 school year, a minimum of 150 minutes a week of physical education.

**Positions Consistent with Legislative Platform**

**SB 109/HB 139 and HB 391 Education–Geographic Cost of Education Index–Funding.** SB 109/HB 139, the administration version of the Geographic Cost of Education Index (GCEI) bill, changes the GCEI formula from a discretionary state aid program to a mandated state aid program and begins a three-year phase-in of the formula in FY 2009. The bill also requires MSDE to update the GCEI adjustments every three years using the most recent available data and the same methodology that was used to develop the current GCEI. Montgomery County is estimated to get \$9.5 million in FY 2009, \$19.6 million in FY 2010; and \$33.6 when it is fully phased in. HB 391, the GCEI bill introduced by Delegate Hixson, would mandate funding of the GCEI and phase in the funding over five years, beginning in FY 2008.

Recommendation: SUPPORT

**HB 164 Education–Relocatable Classrooms–Indoor Air Quality Standards,** which would establish minimum standards for the construction of new relocatable classrooms licensed for use in Maryland.

The minimum standards are needed to ensure that new relocatables are constructed with features that prevent moisture infiltration, ensure adequate ventilation, and provide a healthy teaching/learning environment for the building occupants. The bill provisions will increase the cost of any new relocatable licensed for use in the state. However, these standards are necessary and the added values to the building environment, along with the benefits to the users, greatly outweigh the additional costs.

Recommendation: SUPPORT

**SB 265–Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit** would establish a new program to provide corporate tax credits for businesses contributing to organizations created to distribute tuition assistance to students and teachers. MSDE would administer this new program. A fund would be generated by allowing businesses to claim a credit against the state income tax in an amount equal to 75 percent of a contribution made to an organization certified to provide tuition scholarships (vouchers) to students attending nonpublic schools, students attending innovative public schools, and teachers for continuing education. Businesses would notify MSDE of the intent to contribute, and MSDE would certify the tax credit under the total annual caps of \$15 million for organizations supporting private schools and \$10 million for organizations supporting innovative public schools.

This bill would divert millions of dollars away from the state's General Fund to support tuition scholarships for private school students and teachers. The recommended position on this bill is consistent with the Board's legislative platform statement opposing public

funding for private schools.

Recommendation: OPPOSE

RESOLUTION NO. 63-07            Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education support with amendments **SB 475–Task Force for the Policy and Funding Implications of Requiring Passage of the High School Assessments**, which looks at issues around the assessments.

Resolution numbers 64-07 through 65-07 are omitted.

RESOLUTION NO. 66-07            Re:    **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, Funds have been budgeted for the purchase of equipment, supplies, and contractual services; now therefore be it

Resolved, That having been duly advertised, the following contracts will be awarded to the low bidders meeting specifications as shown below:

75070	Montgomery County Maryland Off the Lot, New Vehicles	
00445		
	<u>Awardee</u>	
	Criswell Chevrolet	\$ 45,956
4086.8	Office and School Supplies	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 41,159
	American Product Distributors, Inc.*	6,400
	Bye Mor, Inc.*	3,791
	Elgin School Supply Company, Inc.	11,826
	Integrity School Supplies*	83,743
	Interstate Office Supply Company*	119,271
	National Art & School Supplies	74,041
	Pyramid School Products	336,816
	Reliable Reproduction Supply Company	1,034
	Rudolph's Office and Computer Supply, Inc.*	8,089

	Smith Office and Computer Supply	159,277
	Standard Stationery Supply Company	144,324
	Windtree Enterprises, Inc.	13,531
	Frank W. Winne and Son, Inc.	12,548
	Henry S. Wolkins Company, Inc.*	<u>1,340</u>
	Total	\$1,017,190
4088.6	Laminating Supplies—Extension	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 9,384
	General Binding Corporation	70,013
	Kunz, Inc.*	7,515
	Pyramid School Products	125,835
	Scott Electric	<u>3,512</u>
	Total	\$ 216,259
4090.5	Envelopes—Extension	
	<u>Awardees</u>	
	MeadWestvaco Corporation	\$ 23,859
	Pyramid School Products	68,462
	Unisource	<u>49,294</u>
	Total	\$ 141,615
4114.3	Microscopes—Extension	
	<u>Awardees</u>	
	Fisher Science Education	\$ 25,395
	General Precision Specialties, LLC	7,690
	Para Scientific Company	12,254
	Parco Scientific Company*	<u>16,480</u>
	Total	\$ 61,819
4186.1	On-line Courses for Professional Development—Extension	
	<u>Awardee</u>	
	eSchool On-line, Harcourt Education, Inc.	\$ 307,700
4192.1	Basic Life, Basic AD and D, Supplemental Life and Dependent Life	



	<u>Awardee</u>	
	Prudential Financial	\$3,200,000
4869.1	Bulbs and Lamps—Extension	
	<u>Awardee</u>	
	CN Robinson Lighting Supply Company	\$ 210,000
7064.8	Custodial Supplies	
	<u>Awardee</u>	
	Abel Industries, Inc.	\$ 11,849
	Acme Paper and Supply Company, Inc.	272,442
	AFP Industries, Inc.*	13,503
	Buckeye Cleaning Center	306
	Calico Industries, Inc.	75,859
	Dade Paper Company, Inc.	72,114
	Daycon Products Company, Inc.	73,202
	S. Freedman and Sons, Inc.	51,994
	Gabriel First Corporation	4,523
	Genesis II, Inc.	12,465
	Hillyard, Inc.	138,448
	Holt Paper and Chemical Company	4,515
	Industrial Products Supply*	353
	Laniado Wholesale, Inc.*	39,543
	Lawn and Power Equipment	240
	LL Clean Company*	19,225
	Lynn Ladder and Scaffold Company	6,886
	Metrochem Industries, Inc.	17,160
	National Supply Company	10,186
	Porters Supply Company, Inc.	181,025
	Quill Corporation	1,727
	Spectrowax Corporation	10,553
	Unisource	39,431
	Xpedx	<u>48,528</u>
	Total	\$1,106,077
7078.2	Paperback and Pre-bound Paperback Books	
	<u>Awardee</u>	
	Sagebrush Books	\$ 400,000

## 7120.4 Elementary Mathematics Supplies—Extension

Awardee

ETA/Cuisenaire*	\$ 21,715
Nasco	<u>20,585</u>
Total	\$ 42,300

## 7132.6 Cafeteria Disposable Supplies

Awardees

Acme Paper and Supply Company, Inc.	\$ 249,378
Berkley Square	38,400
Calico Industries, Inc.	17,181
Dade Paper Company, Inc.	84,103
S. Freedman and Sons, Inc.	256,313
Interboro Packaging Corporation*	499
Leonard Paper Company	59,002
Par-Pak, Inc.	19,111
Plascon, Inc.	<u>10,666</u>
Total	\$ 734,653

## 9018.4 Roofing Supplies

Awardees

ABC Supply Company, Inc.	\$ 380,111
Roof Center, Inc.	308,995
Seamless Gutter Supply Company of Maryland, Inc.	<u>121,529</u>
Total	\$ 810,635

## 9021.4 Building Materials

Awardees

Capitol Building Supply	\$ 6,495
Patuxent Materials, Inc.	14,300
Pikesville Lumber Company	<u>24,171</u>
Total	\$ 44,966

## 9600.1 Re-roofing at John T. Baker Middle School\*\*

Awardee

R. D. Bean, Inc.	\$ 556,437
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9602.1	Re-roofing at Flower Hill Elementary School** <u>Awardee</u> Interstate Corporation*	\$ 383,000
9630.1	Re-roofing at Gaithersburg Elementary School** <u>Awardee</u> Orndorff and Spaid, Inc.	\$ 234,514
9631.1	Re-roofing at Goshen Elementary School** <u>Awardee</u> R. D. Bean, Inc.	\$ 408,487
9633.1	Re-roofing at Strawberry Knoll Elementary School** <u>Awardee</u> Interstate Corporation*	\$ 345,000
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$10,266,608

\* Denotes Minority-, Female-, or Disabled-owned Business

\*\* Planned Life-cycle Asset Replacement Bid (PLAR)

RESOLUTION NO. 67-07            Re:    **SPECIAL APPROPRIATION REQUEST FORWARD  
FUNDING OF QUALIFIED ZONE ACADEMY BOND  
GRANTS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, In FY 2007, the State was authorized to issue Qualified Zone Academy Bond Grants for eligible school construction projects; and

WHEREAS, The State Legislature allocated \$1,152,000 for the Montgomery County Public Schools as part of the FY 2007 program; and

WHEREAS, The State Public School Construction Program requires that the approved Qualified Zone Academy Bond projects be completed before reimbursement can occur; and

WHEREAS, A special appropriation from the County Council is required to forward fund the Qualified Zone Academy Bond projects; and

WHEREAS, The State Public School Construction Program will reimburse Montgomery County for the entire cost of the projects once completed; now therefore be it

Resolved, That the Montgomery County Board of Education request an FY 2007 special appropriation in the amount of \$1,152,000 to forward fund the Qualified Zone Academy Bond program; and be it further

Resolved, That a copy of this resolution be transmitted to the county executive requesting approval of this action by the County Council.

RESOLUTION NO. 68-07

Re: **AUTHORIZATION TO EXECUTE OPTION CONTRACT AND DEED AT JUDITH A. RESNIK ES**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, The State Highway Administration (SHA) is planning to widen and improve Woodfield Road (MD 124) along the frontage of Judith A. Resnik Elementary School; and

WHEREAS, Final design and construction of the road improvements require that the Board of Education grant SHA a fee-simple conveyance of 0.206 acre, a revertible easement for supporting slopes consisting of 0.349 acre, and a temporary construction easement of 0.519 acre; and

WHEREAS, All construction restoration and future maintenance will be at no cost to the Board, with SHA and its contractors assuming liability for all damages or injury; and

WHEREAS, The conveyance will not adversely affect any land anticipated to be utilized for school purposes and will benefit the school and community by providing an improved roadway and sidewalk; and

WHEREAS, The State Roads Commission filed a Condemnation Petition in the Circuit Court for Montgomery County on November 15, 2006, to take possession of the property, and deposited \$215,850 with the court to reimburse the Montgomery County Public Schools for the fair market value of the property rights being acquired; and

WHEREAS, Execution of the Option Contract and Deed will eliminate any need for additional judicial proceeding in the matter; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute an Option Contract and Deed of property at Judith A. Resnik Elementary School consisting of a fee-simple conveyance of 0.206 acre, a revertible easement for supporting slopes consisting of 0.349 acre, and a temporary construction easement of 0.519 acre to

the State Highway Administration.

RESOLUTION NO. 69-07

Re: **ARCHITECTURAL APPOINTMENT –  
DOWNCOUNTY CONSORTIUM ES #29  
(MCKENNEY HILLS REOPENING) FEASIBILITY  
STUDY**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a feasibility study for the Downcounty Consortium Elementary School #29 (McKenney Hills reopening); and

WHEREAS, Funds for this feasibility study were programmed as part of the FY 2007 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Architecture, Inc., as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the necessary architectural services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Architecture, Inc., to provide professional architectural and engineering services for the Downcounty Consortium Elementary School #29 feasibility study for a fee of \$38,570.

RESOLUTION NO. 70-07

Re: **ACCEPTANCE OF FARMLAND ES ADDITION**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, The Farmland Elementary School addition project was inspected on January 23, 2007; now therefore be it

Resolved, That the Board of Education accept the Farmland Elementary School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 71-07

Re: **ACCEPTANCE OF GARRETT PARK ES ADDITION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, The Garrett Park Elementary School addition project was inspected on January 24, 2007; now therefore be it

Resolved, That the Board of Education accept the Garrett Park Elementary School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 72-07                    Re:    **ACCEPTANCE OF GREAT SENECA CREEK ES**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, The Great Seneca Creek Elementary School was inspected on January 29, 2007; now therefore be it

Resolved, That the Board of Education accept the Great Seneca Creek Elementary School project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 73-07                    Re:    **ACCEPTANCE OF SOMERSET ES MODERNIZATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, The Somerset Elementary School modernization project was inspected on January 3, 2007; now therefore be it

Resolved, That the Board of Education accept the Somerset Elementary School modernization project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 74-07                    Re:    **UTILIZATION OF THE FY 2007 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 15-631, approved May 27, 2006; and

WHEREAS, The projects do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2007 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2007 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions</u>	<u>Amount</u>
Arts in Education Model—Year 3	1.0	\$ 270,939
Emergency Impact Aid for Displaced Students Program		76,000
Fine Arts Initiative		194,248
Head Start Extended Year Program		124,000
Howard Hughes Medical Institute—Science Education Project	1.5	651,000
Middle School Magnet Consortium		2,669,854
Reading First	6.0	1,285,192
Student Service Learning, Learn and Serve America		30,000
Tech Prep-Biomedical Sciences		25,000
Tobacco Prevention	<u>.8</u>	<u>80,000</u>
Total	9.3	<u>\$ 5,406,233</u>

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council.

RESOLUTION NO. 74(a)-07      Re:    **RECOMMENDED FY 2007 SUPPLEMENTAL APPROPRIATION FOR THE STATE SCHOOL IMPROVEMENT GRANT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, The Montgomery County Public Schools has a structure of assistance and support to enable schools to achieve AYP; and

WHEREAS, Sixteen schools did not meet AYP in reading and/or mathematics in 2006; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2007 supplemental appropriation of \$792,922 to implement the State School Improvement Grant in the following categories:

	<u>Category</u>	<u>Positions</u>	<u>Amount</u>
1	Administration		\$ 19,222
3	Instructional Salaries	6.0	613,151
4	Textbooks and Instructional Supplies		86,267
5	Other Instructional Costs		20,388
6	Special Education		1,963
9	Student Transportation		1,638
10	Operation of Plant and Equipment		882
12	Fixed Charges	<u>6.0</u>	<u>49,411</u>
	Total	12.0	\$ 792,922

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council; and be it further

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council.

RESOLUTION NO. 74(b)-07

Re: **FY 2007 SECOND QUARTER CATEGORY  
AND OBJECT TRANSFERS REQUEST**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

Resolved, That the superintendent of schools be authorized to effect FY 2007 categorical transfers of \$689,385 in the following categories:

	<u>Category</u>	<u>From</u>	<u>To</u>
<b>American Indian Education</b>			
3	Instructional Salaries		\$ 2,140
4	Textbooks/Instructional Supplies		758
5	Other Instructional Costs		1,402
9	Student Transportation	\$ 4,472	
12	Fixed Charges		172
	Total	<u>\$ 4,472</u>	<u>\$ 4,472</u>

**Safe Schools Healthy Students**



1	Administration	\$166,005	
3	Instructional Salaries	54,495	
4	Textbooks/Instructional		\$ 38,683
5	Other Instructional Costs		170,541
7	Student Personnel Services		36,166
9	Student Transportation		2,860
12	Fixed Charges	<u>27,750</u>	
	Total	<u>\$248,250</u>	<u>\$248,250</u>

**Title I Program**

3	Instructional Salaries		\$ 3,278
4	Textbooks/Instructional Supplies		375,610
5	Other Instructional Costs	\$339,325	
9	Student Transportation	33,363	
12	Fixed Charges	<u>6,200</u>	
	Total	<u>\$378,888</u>	<u>\$378,888</u>

**Title II-D—Enhancing Education Through Technology**

1	Administration	\$ 6,316	
4	Textbooks/Instructional Supplies		\$ 6,800
5	Other Instructional Costs	<u>484</u>	
	Total	<u>\$ 6,800</u>	<u>\$ 6,800</u>

**Title III—ESOL**

4	Textbooks/Instructional Supplies	\$ 6,847	
5	Other Instructional Costs		\$ 6,847
	Total	<u>\$ 6,847</u>	<u>\$ 6,847</u>

**Title V. Part A—Innovative Education Program Strategies**

1	Administrations	\$ 5,122	
2	Mid-level Administration	35,000	
3	Instructional Salaries		\$31,814
4	Textbooks/Instructional Supplies	4,006	
5	Other Instructional Costs		543
12	Fixed Charges	<u>11,771</u>	
	Total	<u>\$ 44,128</u>	<u>\$ 44,128</u>

and be it further

Resolved, That the superintendent of school be authorized to effect FY 2007 object transfers of \$581,283 in the following objects:

**Safe Schools Healthy Students**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$184,334	
02	Contractual Services		\$184,756
03	Supplies and Materials		38,683
04	Other Expenditures	16,105	
05	Equipment	<u>23,000</u>	
	Total	<u>\$223,439</u>	<u>\$223,439</u>

**Title I Program**

02	Contractual Services	\$357,844	
03	Supplies and Materials		<u>\$357,844</u>
	Total	<u>\$357,844</u>	<u>\$357,844</u>

RESOLUTION NO. 74(c)-07      Re:    **RECOMMENDED    FY 2007 SUPPLEMENTAL  
APPROPRIATION FOR THE PROVISION FOR  
FUTURE SUPPORTED PROJECTS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, The FY 2007 Operating Budget adopted by the Board of Education on June 14, 2006, included \$9,231,709 for the Provision for Future Supported Projects; and

WHEREAS, The Board of Education will receive additional projects that are eligible for funding through the Provision for Future Supported Projects during FY 2007; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2007 supplemental appropriation of \$5,500,000 for the Provision for Future Supported Projects in the following categories:

	<u>Category</u>	<u>Amount</u>
1	Administration	\$ 350,000
2	Mid-level Administration	1,300,000
3	Instructional Salaries	1,100,000
4	Textbooks and Instructional Supplies	1,000,000
5	Other Instructional Costs	400,000
10	Operation of Plant and Equipment	50,000
12	Fixed Charges	800,000
14	Community Services	<u>500,000</u>
	Total	<u>\$ 5,500,000</u>

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council; and be it further

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council.

RESOLUTION NO. 75(a)-07      Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article of the Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a closed session on Monday, February 26, 2007, in Room 120 of the Carver Educational Services Center to meet from 6:30 to 7:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an administrative function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

**RESOLUTION NO. 75(b)-07      Re:    REPORT OF CLOSED SESSION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

On January 9, 2007, by unanimous vote of the members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on January 9, 2007, from 9:00 to 10:00 a.m. and 1:00 to 2:10 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2006-77, 2006-80, 2006-81, 2006-82, 2006-84, 2007-1, T-2006-90, and T-2006-91.
2. Reviewed and considered the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2006-86.
3. Discussed the Human Resources Monthly Report and Appointment with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Discussed collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*.
5. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
6. Discussed matters of an administrative function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed sessions were Steve Abrams, Chris Barclay, Larry Bowers, Shirley Brandman, Pat Clancy, Sharon Cox, Judy Docca, Brian Edwards, Marlene Hartzman, Sarah Horvitz, Roland Ikheloa, Don Kopp, Don Kress, Frieda Lacey, Susan Marks, Heath Morrison, Nancy Navarro, Pat O'Neill, Brian Porter, John Q. Porter, Glenda Rose, and Jerry Weast.

On January 25, 2007, by unanimous vote of the members present, the Board of Education voted to conduct a closed session as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on January 25, 2007, from 5:30 to 7:40 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeal with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2006-86.
2. Discussed collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*.
3. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.

In attendance at the closed session were Steve Abrams, Chris Barclay, Larry Bowers, Shirley Brandman, Pat Clancy, Sharon Cox, Judy Docca, Marlene Hartzman, Sarah Horvitz, Roland Ikheloa, Don Kopp, Don Kress, Frieda Lacey, Nancy Navarro, Pat O'Neill, Brian Porter, John Q. Porter, Glenda Rose, and Jerry Weast.

**RESOLUTION NO. 76-07                      Re:    MINUTES**

On motion of Mrs. O'Neill and seconded by Ms. Horvitz, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its meeting minutes for August 30, September 14, and September 25, 2006.

**RESOLUTION NO. 77-07                      Re:    APPEALS**

On motion of Ms. Brandman and seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education has met in closed session, and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article*; now therefore be it

Resolved, That the Board of Education hereby decide the following appeals, reflective of the Board members' votes in closed session, and the disposition will be recorded in written Decision and Orders.

<u>Appeal Number</u>	<u>Type</u>
2006-77	Student Placement
2006-80	Student Placement
2006-81	Early Entrance to Kindergarten
2006-82	Student Placement
2006-84	Student Placement
2007-1	Early Entrance to Kindergarten
T-2006-90	Student Transfer
T-2006-91	Student Transfer

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-owned Business Procurement Report for the Second Quarter of Fiscal Year 2007

RESOLUTION NO. 78-07

Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Mr. Barclay seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of February 13, 2007, at 2:15 p.m.

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 PRESIDENT

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 SECRETARY

JDW:gr

Resolution	Abrams	Barclay	Brandman	Cox	Docca	Horvitz	Navarro	O'Neill
Superintendent's Contract	A	A	A	A	A	A	A	A
SEIU Agreement	N	A	A	A	A	A	A	A
MCEA Agreement	N	A	A	N	A	A	A	A
MCAASP Agreement	N	A	A	A	A	A	A	A
FY 2008 Operating Budget	N	A	A	A	A	A	A	A

A = affirmative; N = negative; O = absent; AB = abstain

**MONTGOMERY COUNTY BOARD OF EDUCATION  
SUMMARY SHEET**

February 13, 2007

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